IN THE HIGH OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

TUESDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND SSEVEN

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

* * *

WRIT PETITION No.18602 of 2007

Between:

Perala Co-operative Consumer Stores
Epurupalem, Chiralaur Mandal, Prakasam District,
Represented by its President,
Kandula Venkatanarsimha Rao … Petitioner

Versus

The District Collector,
Prakasam District & Ors. … Respondents

Counsel for the Petitioner: **Sri I. KOTI REDDY**

Counsel for the Respondents: **GP for Civil Supplies**

THE HONOURABLE SRI JUSTICE
P. S. NARAYANA

WP.NO.18602 of 2007

O R D E R

Heard both the counsel.

The writ petition is filed for a writ of mandamus declaring the inaction of the first respondent in not disposing of the stay application filed along with the appeal aggrieved by the Proceedings in RC.C.12692007 dated 21-7-2007 issued by the second respondent as illegal, arbitrary and unconstitutional and against the principles of natural justice and contrary to the provisions of Essential Commodities Act and to pass such other appropriate order.

3. It is stated by the writ petitioner that for the last twenty two years, the petitioner is running the fair price shop without any complaint. It is also stated that on 16-07-2007 at about 08:30 p.m., the third respondent inspected the house of Gurram Thirumeswara Rao and seized 45 quintals of rice and 130 litres of Kerosene oil. It is further stated that on 21-7-2007 the second respondent suspended the authorization. It is also further stated that the petitioner filed appeal along with stay application before the first respondent. It is stated that the first respondent is not

disposing of the stay application along with the appeal, which had been preferred as against the Proceedings No. RC.C.12692007 dated 21-7-2007 made by the second respondent.

4. In view of the facts and circumstances, this court is of the considered opinion that the first respondent is not justified in not disposing of the stay application by the petitioner.

5. In view of the same, let the first respondent to dispose of the stay application along with the appeal at an early date preferably within a period of four weeks from the date of receipt of a copy of this order. It is needless to say that the first respondent also is at liberty to dispose of the main appeal if the first respondent chooses to do so within the time specified supra. It is also made clear that this would not come in the way of the second respondent from completing the enquiry also at the earliest point of time, preferably within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of at the admission stage. No costs.

JUSTICE P . S. NARAYANA .

03 / 9 / 2007

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NB: Issue CC tomorrow.

B/o. lsL.